

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**DAVID McINTYRE,**

**Defendant.**

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**CASE NO. 8:09CR62**

**ORDER**

This matter is before the Court on the Defendant's motion for stay (Filing No. 148).

The Defendant pleaded guilty to two Counts of the Superseding Indictment charging him with manufacturing or attempted manufacturing of marijuana, and forfeiture of real property. He now moves to stay the Court's previous forfeiture order with respect to the real property pending his appeal of the Court's order denying his motion to suppress and request for a *Franks* hearing.

The Court has considered the government's response (Filing No. 152) and the fact that the Defendant pleaded guilty to the forfeiture count. Moreover, the Court notes the well-settled principle that the filing of a notice of appeal divests this Court of jurisdiction over matters related to the appeal. *United States v. Queen*, 433 F.3d 1076, 1077 (8<sup>th</sup> Cir. 2006).

IT IS ORDERED that the Defendant's motion for stay (Filing No. 148) is denied.

DATED this 20<sup>th</sup> day of September, 2010.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge